

TOWN OF FREDERICK, COLORADO
ORDINANCE NO. _____

**AN ORDINANCE OF THE TOWN OF FREDERICK COLORADO, AMENDING
THE TOWN OF FREDERICK MUNICIPAL CODE, 1992.**

WHEREAS, the Board of Trustees of the Town of Frederick finds it necessary to amend the Town of Frederick Municipal Code, 1992, make the Code consistent with Town practices, and to clarify and improve public understanding of Town procedures regarding operation of low-speed electric vehicles, golf cars and golf carts within the town limits.

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF
FREDERICK, COLORADO, AS FOLLOWS:**

Section 1. Chapter 8, Article III of the Frederick Municipal Code is hereby amended by addition of a new Section 8-43 to read as follows

“Sec. 8-43. Operation of Low-speed Electric Vehicles, Golf Cars, Golf Carts.

(a) As used in this Section, the following definitions shall apply:

Low-speed electric vehicle means a self-propelled vehicle utilizing electricity as its primary propulsion method and engineered to travel at a speed not to exceed 25 mph; has at least three wheels in contact with the ground; does not use handlebars to steer; and exhibits manufacturer compliance with 49 CFR 565 or displays a seventeen-character vehicle identification number as provided in 49 CFR 565; and as may be otherwise defined in the Colorado Revised Statutes.

Golf car or *Golf cart* means a low-speed electric vehicle that meets the definition of the same as contained in this Section, is not designed primarily for operation on roadways, has an empty weight of not more than one thousand three hundred pounds, and a carrying capacity of not more than four persons; not to include a liquid-fuel-propelled vehicle of any kind.

(b) No low-speed electric vehicle may be operated on any street, road, or right-of-way within the Town unless community covenants, conditions, and restrictions, have been formally adopted within the discrete community where such vehicle is operated, and approved by the Town, establishing standards for the operation of low-speed electric vehicles on streets, roads, and rights-of-way, and any such vehicle is being operated in compliance with those standards.

(c) No community covenants, conditions, and restrictions, which establish standards for the operation of low-speed electric vehicles on streets, roads, and rights-of-way shall take effect until signs conforming to national highway safety standards are posted in the affected area(s) providing notice of the use of low-speed electric vehicles within the community.

(d) No community covenant, condition, or restriction shall be effective that permits or has the effect of permitting operation of a golf car or cart by a person without a valid driver's license, or operation of a golf car or cart on a state or county highway.

(e) All community covenants, conditions, and restrictions which establish standards for the operation of low-speed electric vehicles on streets, roads, and rights-of-way shall comply with § 42-4-201 *et seq.*, C.R.S., including but not limited to requiring federal manufacturing equipment standards for low-speed electric vehicles and placards on slow moving vehicles.

(f) The recognition of community covenants, conditions, and restrictions which establish standards for the operation of low-speed electric vehicles is not a delegation of authority by the Town to private parties, nor will this Section be interpreted to interfere with or impair the Town's ability to enforce any provision of the Town's Codes, according to the enforcement and remedy provisions contained therein."

Section 2. Effective date. This ordinance shall be published and become effective as provided by law.

Section 3. Severability. If any part, section, subsection, sentence, clause, or phrase of this ordinance is for any reason held invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more part, sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. Repealer. All ordinances or resolutions and motions of the Board of Trustees of the Town of Frederick or parts thereof in conflict with this ordinance are, to the extent of such conflict, hereby superseded and repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution, or motion thereby.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED
THIS _____ DAY OF _____, 2010.

ATTEST:

TOWN OF FREDERICK

By _____
Nanette S. Fornof, Town Clerk

Eric E. Doering, Mayor